# Commission Delegated Regulation (EU) 2020/1423 of 14 March 2019 on supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards on the criteria for appointing central contact points within the field of payment services and on the functions of those central contact points (Text with EEA relevance)

## COMMISSION DELEGATED REGULATION (EU) 2020/1423

## of 14 March 2019

## on supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards on the criteria for appointing central contact points within the field of payment services and on the functions of those central contact points

## (Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC[(1)], and in particular Article 29(7) thereof,

Whereas:

(1) The requirement to appoint a central contact point in accordance with Article 29(4) of Directive (EU) 2015/2366 should be proportionate to achieving the aims pursued by that Directive, without creating unnecessary burdens on payment institutions operating cross-border. Therefore, it is appropriate to specify proportionate criteria in the form of thresholds relating to the volume and value of the transactions carried out in the host Member State through agents and to the number of agents established in the host Member State. As the competent authority of the host Member State can require payment institutions to report on the activities carried out in the territory of that Member State pursuant to Article 29(2) of Directive (EU) 2015/2366, that authority has the means to obtain the information necessary for applying such criteria. Therefore, those thresholds should be laid down to supplement Article 29(4) of Directive (EU) 2015/2366.

(2) Where the appointment of a central contact point is required by a Member State pursuant to Article 29(4) of Directive (EU) 2015/2366, that central contact point should primarily ensure adequate communication and information reporting on compliance with the requirements laid down in Titles III and IV of that Directive in the host Member State, including the reporting obligations of the appointing payment institution towards the competent authorities of the host Member State. It should also have a central coordinating role between the appointing payment institution and the competent

authorities of the home and the host Member States in order to facilitate supervision of the payment services business conducted in the host Member State through agents under the right of establishment. To that end, the payment institution should ensure that the central contact point is given the necessary resources and has access to the relevant reporting data to comply with its obligations under Directive (EU) 2015/2366.

(3) This Regulation is based on the draft regulatory technical standards submitted by the European Banking Authority (EBA) to the Commission.

(4) EBA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council[(2)],

HAS ADOPTED THIS REGULATION:

*Article 1*

**Criteria for determining when the appointment of a central contact point is appropriate**

For the purposes of Article 29(4) of Directive (EU) 2015/2366, requiring payment institutions to appoint a central contact point shall only be considered appropriate where one or more of the following criteria is met:

(a) the total number of agents through which a payment institution provides any of the payment services referred to in Annex I to Directive (EU) 2015/2366 in a host Member State under the right of establishment is equal to or exceeds 10;

(b) the total value of payment transactions, including payment transactions initiated when providing payment initiation services, carried out by a payment institution in the host Member State in the last financial year through agents located in the host Member State and operating under either the right of establishment or the freedom to provide services, exceeds EUR 3 million and the payment institution has engaged at least two of those agents under the right of establishment;

(c) the total number of payment transactions carried out by a payment institution in the host Member State in the last financial year through agents located in the host Member State and operating under either the right of establishment or the freedom to provide services, including the number of payment transactions initiated when providing payment initiation services, exceeds 100 000 and the payment institution has engaged at least two of those agents under the right of establishment.

*Article 2*

**Functions of the central contact point**

1 A central contact point that is appointed pursuant to Article 29(4) of Directive (EU) 2015/2366 shall carry out each of the following functions:

a it shall serve as single provider and single point of collection for the purposes of the reporting obligations of the appointing payment institution towards the competent authorities of the host Member State pursuant to Article 29(2) of Directive (EU)